

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 3063 of 1999

DATED:23-08-2005

Between:

G.Sudhakar, S/o. Narasimham,
R/o. Adilabad District

..... PETITIONER

AND

- 1 The Integrated Tribal Development Agency, Rep. by it's Project Officer,
Adilabad District
- 2 The Director of Agriculture, Government of Andhra Pradesh,
Hyderabad.
- 3 The Integrated Tribal Development Agency,
Eturu Nagaram, Warangal District.

.....RESPONDENTS

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.NO.3063 OF 1999

ORDER:

This writ petition is filed seeking a mandamus to declare the proceedings in R.C.No.E-1/1986/96 dated 18-11-1998 of the third respondent as arbitrary and illegally and consequently to pass suitable orders.

There is no necessity of going into all the details. It seems the petitioner along with others was appointed as Sub Assistant Soil Conservator and was working at Warangal. While working at Warangal, he was sent on deputation along with other 14 employees to the first respondent organization which was located at Warangal and subsequently transferred to Adilabad District along with the project. The other 14 employees were unwilling to go, as transfer of those employees along with agency to some other districts is opposed to the six point formula (Zonal System- Presidential Order). Therefore, they had applied for leave and did not go to Utnoor. However, the petitioner went to Adilabad and joined there and sending representations to the second respondent to take him back to the parent department or to transfer to the agency, which is now established at Rajampet, Warangal District. Unfortunately nothing was done in this regard. However, on 9-5-1998, the second respondent transferred the petitioner from Adilabad on deputation to the first respondent agency at Eturu Nagaram and he reported to duty at Eturu Nagaram on 24-5-1995 and also requested the Joint Director, Agriculture, to safeguard his seniority in the parent department. While so, the first respondent agency at Eturu Nagaram passed impugned proceedings dated 18-11-1998 that his salary will not be paid for 180 days for the months of November,1997, February,1998, March,1998 to June,1998 for the reason that he did not attend the work during those months. According to the petitioner, he worked for those months and he is entitled for the

salary. However, without hearing the petitioner and putting the petitioner on notice, the impugned orders were passed treating the said 180 days as earned leave due to him. Aggrieved by the same, the present writ petition is filed.

Admittedly, the impugned orders were passed without issuing any notice and without hearing the petitioner. Even the representation filed by the petitioner was also not considered. Under those circumstances, the impugned orders are set-aside being violative of principles of natural justice.

In the result, the writ petition is allowed and the respondents are directed to consider the representation made by the petitioner on 3-12-1997 and if it is found that the petitioner had worked at Adilabad, he shall be paid salary for 180 days, for which the petitioner claimed to have worked and rendered active services, within a period of three months from the date of receipt of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V.RAMULU,J

23-08-2005

Stp